

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

PHILLIP M. ADAMS & ASSOCIATES,
L.L.C., a Utah Limited Liability Company,

Plaintiff,

vs.

SONY ELECTRONICS INC., et al.,

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING ASUS
COMPUTER INTERNATIONAL'S
RENEWED MOTION FOR
JUDGMENT AS A MATTER OF
LAW IN FAVOR OF ALL CLAIMS
AND CAUSES OF ACTION
ALLEGED AGAINST IT

Case No. 1:05-CV-64 TS

This matter is before the Court on Defendant ASUS Computer International's ("ACI")
Renewed Motion for Judgment as a Matter of Law in Favor of all Claims and Causes of Action
Alleged Against It. For the reasons discussed below, the Court will deny the Motion.

I. BACKGROUND

In this matter, Plaintiff alleged that ACI infringed three of its patents. After the close of Plaintiff's evidence, ACI moved for judgment as a matter of law, arguing that there was insufficient evidence to find infringement.¹ The Court denied the Motion.²

The jury ultimately found that ACI infringed one of Plaintiff's patents.³ As a result of that infringement, the jury awarded damages in favor of Plaintiff and against ACI in the amount of \$185,000.⁴

Defendant ACI now renews its motion for judgment as a matter of law, arguing that it is entitled to judgment because Plaintiff failed to present sufficient evidence to establish infringement by ACI.

II. DISCUSSION

Under Fed.R.Civ.P. 50, a court should render judgment as a matter of law when "a party has been fully heard on an issue and there is no legally sufficient evidentiary basis for a reasonable jury to find for that party on that issue."⁵ A party which has made a motion for judgment as a matter of law under Rule 50(a) prior to a jury verdict may renew that motion under Rule 50(b) after judgment is rendered.

¹Docket No. 1765.

²Docket No. 1789.

³Docket No. 1802.

⁴*Id.*

⁵Fed.R.Civ.P. 50(a)(1).

“In [entertaining a motion for judgment as a matter of law], the court must draw all reasonable inferences in favor of the nonmoving party, and it may not make credibility determinations or weigh the evidence.”⁶ “Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge.”⁷

The Tenth Circuit has made it clear that judgment as a matter of law is to be “cautiously and sparingly granted,”⁸ and is only appropriate when there is no way to legally justify a jury verdict. Judgment as a matter of law is appropriate only “[i]f there is no legally sufficient evidentiary basis . . . with respect to a claim or defense . . . under the controlling law,”⁹ or if “the evidence points but one way and is susceptible to no reasonable inferences which may support the opposing party’s position.”¹⁰ “Judgment as a matter of law is improper unless the evidence so overwhelmingly favors the moving party as to permit no other rational conclusion.”¹¹

With this standard in mind, the Court finds that Defendant’s Motion must be denied. Though the evidence concerning ACI was limited, the Court finds that there is evidence to

⁶*Lytle v. Household Mfg., Inc.*, 494 U.S. 545, 554-555 (1990).

⁷*Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986).

⁸*Weese v. Schukman*, 98 F.3d 542, 547 (10th Cir. 1996).

⁹*Baty v. Willamette Indus., Inc.*, 172 F.3d 1232, 1241 (10th Cir. 1999) (quoting Fed.R.Civ.P. 50).

¹⁰*Finley v. United States*, 82 F.3d 966, 968 (10th Cir.1996).

¹¹*Shaw v. AAA Eng’g & Drafting*, 213 F.3d 519, 529 (10th Cir. 2000).

support the jury's finding that ACI infringed. This conclusion is not altered by the recent settlements entered into by the parties.

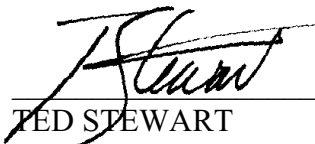
III. CONCLUSION

It is therefore

ORDERED that ACI's Renewed Motion for Judgment as a Matter of Law (Docket No. 1832) is DENIED.

DATED September 26, 2011.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART
United States District Judge